

Model QDRO-Option 1-not retired

IN THE CIRCUIT COURT OF THE > **(NUMBER)** JUDICIAL CIRCUIT  
IN AND FOR > **(NAME)** COUNTY, FLORIDA

IN RE: The Marriage of

> **(NAME)**,  
Petitioner/ > **(Wife or Husband)**,

and

CASE NO. >

> **(NAME)**,  
Respondent/ > **(Wife or Husband)**.

\_\_\_\_\_ /

QUALIFIED DOMESTIC RELATIONS ORDER

THIS CAUSE came before the Court for entry of a Qualified Domestic Relations Order (hereinafter referred to as QDRO). The parties were married on > **(date of marriage)**. A Final Judgment of Dissolution of Marriage was entered in this case on > **(date of dissolution)** which reserved jurisdiction for entry of a QDRO.

Pursuant to the Final Judgment of Dissolution of Marriage, the Court finds that the Former > **(Wife or Husband)** is entitled to a marital portion of the Former >'s **(Wife or Husband)** retirement benefits under the Florida Retirement System Pension Plan as of > **(date of valuation)**, as part of the equitable distribution of marital assets. Pursuant to Section 414(p) of the Internal Revenue Code of 1986, as amended, Section 222.21 of the Florida Statutes, Chapter 61 of the Florida Statutes, it is therefore,

ORDERED and ADJUDGED:

1. The term "Participant" means the Former > **(Wife or Husband)**, > **(NAME)**, Social Security Number > **(insert last 4 digits)**, whose current address is >, and who is a

Participant under the Florida Retirement System through > **(his or her)** employer, > **(name of employer)**.

2. The term “Alternate Payee” means > (NAME), the former spouse of the Participant, Social Security Number > **((insert last 4 digits))**, whose current address is >.

3. The term “Plan” shall refer to the Florida Retirement System Pension Plan.

4. This Order is drawn pursuant to the laws of the State of Florida regarding the equitable distribution of marital property (as that term is defined therein) between spouses in an action for dissolution of marriage.

5. The Former > **(Wife or Husband)**, as Alternate Payee, is hereby awarded a portion of Participant’s entitlement under the Florida Retirement System, as a reduction from each monthly benefit payment payable to Participant from the Plan. The amount of the reduction shall be > **(NUMBER)** percent (> %) of benefits that have accrued to the Participant through > **(date of valuation)**, which the Participant would be entitled to if > **(he or she)** was to retire at age > **(55 or 62)** > **(month and year Participant attains age 55 or 62)** utilizing retirement option 1 under section 121.091(6) of the Florida Statutes without taking into account an early retirement penalty for > (his or her) total creditable service through > **(date of valuation)**.

6. Participant may select any retirement option of > **(his or her)** choosing at retirement, but the payment to the Alternate Payee shall be measured as though > **(he or she)** had made the option 1 selection.

7. Beginning with the first monthly retirement benefit payment actually made to the Participant, the sum of \$ > **(amount)** shall be paid to the Alternate Payee. This monthly payment shall continue in like amount each month thereafter in which the Participant is entitled to receive a monthly benefit payment from the Plan, which exceeds the amount of the reduction.

8. If at any time the Participant participates in the Deferred Retirement Option Plan (DROP), the Alternate Payee's share of the Participant's benefit will be deposited in a separate DROP account where it shall earn interest at the same rate as the Participant's share. The accrued benefits and interest will be released to the Alternate Payee when the Participant's participation in the DROP terminates, regardless of whether Participant elects to have all or a portion of > **(his or her)** share rolled over into another eligible investment vehicle (401-K, IRA, etc.) or takes a lump sum payment.

9. The payments being ordered herein are being paid as a property right and not as support.

10. The parties agree that the Plan Administrator shall, increase the amount payable each month to the Alternate Payee based upon the Alternate Payee's share of any cost of living adjustment (COLA) received by the Participant. COLAs are made at the start of each fiscal year, which is currently the month of July. After the time the Participant receives any COLA and until the Plan Administrator commences payment to the Alternate Payee, > **(his or her)** proportionate share, the Participant shall pay directly to the Alternate Payee the Alternate Payee's proportionate share of the COLA.

11. The Alternate Payee's monthly payments shall be payable to > **(him or her)** commencing on the date monthly retirement benefits actually commence being paid to the Participant under the Florida Retirement System. The Participant's retirement pension benefits under the Florida Retirement System shall be subject to this Order and to the Alternate Payee's right to receive a distribution of the marital assets of the parties. Copies of this Order shall be served by U.S. Mail by > **(name of attorney for Alternate Payee)**, as attorney for the Alternate Payee, to the Plan Administrator and Legal Office at Division of Retirement, P. O. Box 9000,

Tallahassee, Florida 32315-9000, and with a certificate of service to > **(name of attorney for Participant)**, attorney for Participant.

12. The Plan Administrator, the Director of the Division of Retirement of the State of Florida, is directed and ordered to pay the Alternate Payee in accordance with this QDRO and make the payments provided for herein until either the Participant or Alternate Payee dies, whichever occurs first. **Upon the death of the Participant or the Alternate Payee, this QDRO becomes Null & Void.**

13. This Order does not require the Plan to provide any type or form of benefit, or any option, not otherwise provided under the Plan; does not require the Plan to provide increased benefits; and does not require the payment of benefits to an Alternate Payee which are required to be paid to another Alternate Payee under another Order previously determined to be a QDRO.

14. All payments to the Alternate Payee shall be made payable to the Alternate Payee at > **(address of the Alternate Payee)**. It is the duty of the Alternate Payee to advise the Plan Administrator (Retired Payroll Section), in writing, of any change of address. The Division of Retirement is not responsible for any loss incurred by the Alternate Payee due to a change of address, of which the Division is not advised.

15. This Order shall supersede any previous Order in this cause seeking deduction payments from the Plan Administrator, or from the Florida Retirement System, or from the Division of Retirement of the State of Florida and each is hereby absolved and released from any liability or responsibility under such prior Order in this cause.

16. Except as modified by this Order, all provisions set forth in the Final Judgment of Dissolution of Marriage > **(date of valuation)** shall remain in full force and effect.

DONE AND ORDERED in Chambers in > **(city)**, > **(county)**, Florida this \_\_\_\_day of  
\_\_\_\_\_, 20>.

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Circuit Judge

Copies furnished to:

> **(name of Attorney for Former Wife)**  
> **(address of above)**

> **(name of Attorney for Former Husband)**  
> **(address of above)**

Clerk of Circuit Court  
> **(address of above)**

Plan Administrator  
Division of Retirement  
P. O. Box 9000  
Tallahassee, Florida 32315-9000